

SEP-29-2005 09:38

513 241 6234

SEP 29 2005

513 241 6234 P.01

BRUCE TITTEL
DONALD F. FREI
DAVID S. STALLARD
J. ROBERT CHAMBERS
GREGORY J. LUNN
KURT L. GROSSMAN
CLEMENT H. LUKEN, JR.
THOMAS J. BURGER
GREGORY F. AHRENS
WAYNE L. JACOBS
KURT A. SUMME
KEVIN G. ROONEY
KEITH R. HAUPT
THEODORE R. REMAKLUS
THOMAS W. HUMPHREY
SCOTT A. STINEBRUNER
DAVID H. BRINKMAN
BEVERLY A. LYMAN, Ph.D.
KRISTI L. DAVIDSON

WOOD, HERRON & EVANS, L.L.P.
2700 Carew Tower
441 Vine Street
Cincinnati, Ohio 45202-2917
TELEPHONE: (513) 241-2324
FACSIMILE (513) 421-7269
WEBSITE: www.whepatent.com

PATENT, TRADEMARK, COPYRIGHT
AND UNFAIR COMPETITION LAW
AND RELATED LITIGATION

EDMUND P. WOOD 1923-1968
TRUMAN A. HERRON 1935-1976
EDWARD B. EVANS 1936-1971

JOSEPH R. JORDAN
C. RICHARD EBY

KATHRYN E. SMITH
P. ANDREW BLATT, Ph.D.
DAVID E. JEFFERIES
WILLIAM R. ALLEN, Ph.D.
JOHN PAUL DAVIS
DOUGLAS A. SCHOLER
BRETT A. SCHATZ
DAVID W. DORTON
SARAH OTTE GRABER
STEVEN W. BENINTENDI, Ph.D.
RANDALL S. JACKSON, JR.

OF COUNSEL

JOHN D. POFFENBERGER
DAVID J. JOSEPHIC
THOMAS W. FLYNN
J. DWIGHT POFFENBERGER, JR.
BRADLEY D. BECK

FACSIMILE COVER SHEET

If transmission is interrupted or of poor quality, please
notify us immediately by calling 513/241-2324.
Ask for sender's secretary.

TO: Commissioner for Patents

Fax No: 571-273-8300

Pages (including cover page): 10

Date: September 29, 2005

FROM: Keith R. Haupt, Esq.
Reg. No. 37,638

Re: This fax includes: Amendment Transmittal; Amendment

Serial No.: 10/725,626
Filed: December 12, 2003
Group Art Unit: 3653
Applicant: Charles A. Miller

Title: CONTOURED CARTON WITH DISPENSER
Conf. No.: 4953
Our Ref.: RWZ-76

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the
Commissioner for Patents, Art Unit 3653 at facsimile telephone
number (571) 273-8300 on September 29, 2005.

Lisa L. Tucker
Lisa L. Tucker

9/29/05
Date

The information in this facsimile message is
ATTORNEY-CLIENT PRIVILEGED, WORK PRODUCT and/or CONFIDENTIAL
INFORMATION intended only for the use of the individual or entity to whom this fax is addressed.
If the reader of this message is not the intended recipient or the employee or agent responsible for delivering
it to the intended recipient, you are hereby notified that any dissemination, distribution or reproduction of this
communication is strictly prohibited. If you have received this communication in error, please immediately
notify us by telephone and return the original message to us at the above address via United States Postal
Service. Thank you.

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Charles A. Miller

Serial No.: 10/725,626

Filed: December 12, 2003

For: CONTOURED CARTON WITH DISPENSER

Mail Stop Non-Fee Amendment

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

Examiner: David H. Bollinger

Group No.: 3653

Conf. No.: 4953

RECEIVED
CENTRAL FAX CENTER

SEP 29 2005

AMENDMENT TRANSMITTAL

- Transmitted herewith is an amendment for this application.
- ☒ Small Entity status of this application under 37 CFR 1.9 and 1.27 has been established by a verified statement previously submitted.

☐ Enclosed is a verified statement to establish small entity status.

☐ Other Than a Small Entity.
- The fee has been calculated as shown below:

| | (Col. 1) | | (Col. 2) | (Col. 3) | SMALL ENTITY | | LARGE ENTITY | |
|---|----------------------------------|-------|---------------------------------|---------------|--------------|------------|--------------|------------|
| | Claims Remaining After Amendment | | Highest No. Previously Paid For | Present Extra | Rate | Addit. Fee | Rate | Addit. Fee |
| TOTAL | *6 | MINUS | **30 | 0 | x 25 | \$0 | x50 | \$ |
| INDEP. | *1 | MINUS | ***6 | 0 | x100 | \$0 | x200 | \$ |
| FIRST PRESENTATION OF MULTIPLE DEP. CLAIM | | | | | +180 | \$ | +360 | \$ |
| | | | | | TOTAL FEE | \$0 | TOTAL FEE | \$ |

* If the entry in Col. 1 is less than the entry in Col. 2, write "0" in Col. 3.

** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 20, write "20" in this space.

*** If the "Highest No. Previously Paid for" IN THIS SPACE is less than 3, write "3" in this space.

The "Highest No. Previously Paid for" (Total or Independent) is the highest number found from the equivalent box in Col. 1 of a prior amendment or the number of claims originally filed.

☒ No additional fee for claims is required.

Total fee for claims required \$_____.

4. Attached is a check in the sum of \$_____.

Please charge my Deposit Account No. 23-3000 in the amount of \$____. A
duplicate copy of this sheet is attached.

5. The proceedings herein are for a patent application and the provisions of 37 CFR 1.136 apply.

Complete (a) or (b) as applicable.

(a) _____ Applicant petitions for an extension of time under 37 CFR 1.136 for the total number of months checked below:

| Extension (months) | Fee for other than small entity | Fee for small entity |
|-----------------------|------------------------------------|-------------------------|
| _____ one month | \$ 120.00 | \$ 60.00 |
| _____ two months | \$ 450.00 | \$ 225.00 |
| _____ three months | \$1,020.00 | \$ 510.00 |
| _____ four months | \$1,590.00 | \$ 795.00 |
| _____ five months | \$2,160.00 | \$1,080.00 |

Fee: \$ _____

_____ Please charge my Deposit Account No. 23-3000 in the amount of \$ _____. A duplicate copy of this sheet is attached.

If an additional extension of time is required, please consider this a petition therefor.

(Check and complete the next item, if applicable)

_____ An extension for _____ months has already been secured. The fee paid therefor of _____ is deducted from the total fee due for the total months of extension now requested.

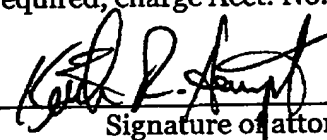
Extension fee due with this request \$ _____.

OR (b)

X Applicant believes that no extension of term is required. However, this conditional petition is being made to provide for the possibility that applicant has inadvertently overlooked the need for a petition for extension of time.

X If any additional fee for claims or extension is required, charge Acct. No. 23-3000.

2700 Carew Tower
Cincinnati, Ohio 45202
(513) 241-2324



Signature of attorney

Keith R. Haupt

Type name of Attorney

Reg. No. 37.638

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile transmitted to the Commissioner for Patents, Examining Group 3653 at facsimile telephone number (571) 273-8300 on September 29, 2005.

Lisa L. Tucker
Lisa L. Tucker

9/29/05
Date

SEP 29 2005

PATENT

CERTIFICATE OF FACSIMILE TRANSMISSION

I hereby certify that this paper is being facsimile
transmitted to the Commissioner for Patents, Art Unit
3673 at facsimile telephone number (571) 273-8300 on
September 29, 2005.

Lisa L. Tucker 9/29/05
Lisa L. Tucker Date

Serial No.: 10/725,626
Filed: December 2, 2003
Art Unit: 3653
Examiner: David H. Bollinger
Applicant: Charles A. Miller
Title: CONTOURED CARTON WITH DISPENSER
Conf. No.: 4953

Cincinnati, Ohio 45202

September 29, 2005

Mail Stop Non-Fee Amendment
Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

AMENDMENT UNDER 37 CFR § 1.116

Sir:

This is responsive to the final Office Action dated July 27, 2005 .

Amendments to the Claims are reflected in the listing of claims which
begins on page 2 of this paper.

Remarks/Arguments begin on page 5 of this paper.